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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,046	12/09/2003	Harry Stienwand	STIENW0301	6713

996 7590 05/24/2007  
GRAYBEAL, JACKSON, HALEY LLP  
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BELLEVUE, WA 98004-5901

EXAMINER
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A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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05/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/731,046

**Applicant(s)**

STIENWAND, HARRY

**Examiner**

Phi D. A

**Art Unit**

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 7, 12-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-7, 12-15, 17-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The indicated allowability of claims 1, 12 with the limitation of canceled claims 5, or 16, is withdrawn in view of the newly discovered reference(s) to Hacker (2524105). Rejections based on the newly cited reference(s) follow.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413) and Hacker (2524105).

Downey shows a columbarium apparatus comprising at least one niche defined by a columbarium structure and having an open end, an inside door (23) configured to cover the open end of the niche and attached to the columbarium, an outside door (28) configured to cover the inside door and attached to the columbarium structure, an inner face of the outside door is supported by an outer face of the inside door, the outside door attached to the columbarium structure by a second set of tamper resistant hardware (27), a ledge (formed by part 25) extending from the structure and oriented such that a lower edge of the outside door is supported by the ledge, the outside door being made from stone (marble), the structure defining a plurality of niches, each niche defining by top, bottom, right side, left side, rear walls and having an open

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end, a horizontal ledge (formed by part 25) extending from the structure in proximity to the bottom wall of at least one niche.

Downey does not show the inside door attached to the columbarium by a first set of tamper resistant hardware, the first set of hardware comprising a plurality of inner security screws that each requires a first tool for removal, the first set of tamper proof hardware is concealed by the outside door when the outside door is installed, the second set of tamper proof hardware comprising a plurality of outer security screws that each requires a different second tool for removal, a resilient material between the inside and outside doors and in contact with the inner face of the outside door and the outer face of the inside door.

Koppenberg discloses a first set of tamper resistant hardware (22) to attach an inner structure (12) to a mausoleum vaults or niches, the first set of hardware comprising a plurality of inner security screws (22) that requires a first tool for removal (the first tool must be a tool that fit the hex head of the screw), and a second set of tamper resistant hardware (60) to attach an outer door to the vaults, the second set of hardware comprising a plurality of outer security screws (60) that each requires a different second tool for removal (the second tool needs to fit into the opening at the head of the screw for turning and removing the screw).

Hacker shows a resilient material (44) between the inside and outside doors and in contact with the inner face of the outside door and the outer face of the inside door (35, 20).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's structure to show the first set of hardware comprising a plurality of inner security screws that each requires a first tool for removal, the second set of tamper proof hardware comprising a plurality of outer security screws that each requires a different second

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tool for removal as taught by Koppenberg, a resilient material between the inside and outside doors and in contact with the inner face of the outside door and the outer face of the inside door as taught by Hacker because the hardware would further enhance the securement of the door to the columbarium wall, and the resilient material between the doors would enhance the sealing between the doors.

Downey as modified shows the first set of hardware being concealed by the outside door when the outside door is installed, the first and second set of tamper proof hardware requiring different tools for removal per the different heads of the fasteners (22, 60, also it is unclear from the claim language what the tools look like).

3. Claims 3, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413) and Hacker (2524105) as applied to claim 1 or claim 12 above and further in view of Darby (6250025)

Downey as modified shows all the claimed limitations except for the outside door is attached to the structure by attachment to a vertical strip portion of the structure.

Darby shows the outside door is attached to the structure by attachment to a vertical strip portion of the structure.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's modified structure to show the outside door is attached to the structure by attachment to a vertical strip portion of the structure because the vertical strips portion of the structure would provide good supporting strength for the weight of the door as taught by Darby.

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4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413) and Hacker (2524105) as applied to claim 1 above and further in view of Nelson et al (4685402)

Downey as modified shows all the claimed limitations except for the inside door being made from aluminum.

Nelson et al shows an interior surface (43) of the door (17) being made of aluminum to enable the door to function as an infrared barrier and moisture barrier to provide for a good fire resistive covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's structure to show the inside door being made from aluminum because having an aluminum layer would provide the material located in the interior from fire as taught by Nelson et al.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413) and Hacker (2524105) as applied to claim 12 above and further in view of Nelson et al (4685402)

Downey as modified shows all the claimed limitations except for the inside door being made from aluminum.

Nelson et al shows an interior surface (43) of the door (17) being made of aluminum to enable the door to function as an infrared barrier and moisture barrier to provide for a good fire resistive covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's structure to show the inside door being made from aluminum

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because having an aluminum layer would provide the material located in the interior from fire as taught by Nelson et al.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413) and Hacker (2524105) as applied to claim 12 above and further in view of Darby (6250025)

Downey as modified shows all the claimed limitations except for the structure being substantially aluminum and the hardware comprising stainless steel.

Darby shows a structure being substantially aluminum (the extrusion pieces) and steels forming bolts.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's structure to show the structure being substantially aluminum and the hardware comprising stainless steel because having aluminum forming the structure would form a strong and sturdy structure and having bolts made of stainless steel would have been an obvious matter of engineering design choice as steel, and stainless steel are well known material for forming fasteners.

7. Claims 4, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413) and Hacker (2524105), as applied to claim 1, or 12 above, and further in view of Pangburn et al (3754805).

Downey as modified shows all the claimed limitations except for a channel member adjacent to one side of the niche defining a recess oriented to accommodate an edge of the outside door.

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Pangburn et al shows a channel member (62) adjacent to one side of the niche defining a recess oriented to accommodate an edge of the outside door.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's modified structure to show a channel member adjacent to one side of the niche defining a recess oriented to accommodate an edge of the outside door because it allows for the easy mounting of the outside door to the structure as taught by Pangburn et al.

8. Claims 6, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downey (912368) in view of Koppenberg (4523413) and Hacker (2524105).

Downey as modified shows all the claimed limitations except for the material being silicone compound.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Downey's modified structure to show the material being silicone compound because it would have been an obvious matter of engineering design choice to have silicone being the resilient compound as silicone compound provides resiliency to a structure, and applicant has not shown that the silicone compound solves any particular problem and that the selection of silicone would have been an obvious matter of engineering design choice as disclosed in applicant's specification page 7 line 15 (silicone compound or like resilient material).

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-4, 6-7, 12-15, 17-18 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***



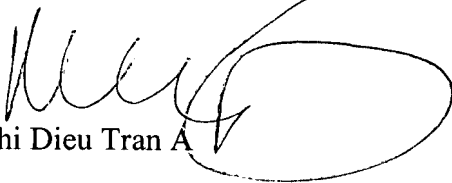
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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different sealing device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

5/21/07